IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JACQUELINE RUMMEL, on behalf of herself and all others similarly situated,)
Plaintiff,) Civil Action No. 3:13-cv-87
V.)) > ELECTRONICALIVELLED
HIGHMARK, INC.) ELECTRONICALLY FILED
Defendant.)

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendant Highmark Inc. ("Highmark"), through its undersigned counsel, hereby removes this action from the Court of Common Pleas of Cambria County, Pennsylvania to the United States District Court for the Western District of Pennsylvania. In support of this Notice of Removal, Highmark respectfully states:

- 1. Plaintiff Jacqueline Rummel ("Plaintiff") originally commenced this action by filing a Class Action Complaint against Defendant Highmark in the Court of Common Pleas of Cambria County where it is presently captioned as Jacqueline Rummel v. Highmark, Inc., Case No. 2013-cv-367.
- 2. On March 22, 2013, Highmark filed Preliminary Objections requesting that the Class Action Complaint be dismissed for legal insufficiency.
 - 3. On April 5, 2013, Plaintiff filed an Amended Class Action Complaint.
 - 4. No further proceedings before the state court have occurred.

- 5. Pursuant to 28 U.S.C. § 1446(a), copies of the Summons, Class Action
 Complaint, Civil Cover Sheet, Preliminary Objections, and Amended Class Action
 Complaint, the only process, pleadings, or orders served in this action, are attached hereto as
 Exhibit A.
- 6. Plaintiff served Highmark with the Amended Class Action Complaint on April 5, 2013.
- 7. Accordingly, this Notice of Removal is timely filed, having been filed within thirty (30) days of the date on which Highmark was served with the Complaint. See 28 U.S.C. § 1446(b).
- 8. The Court of Common Pleas of Cambria County is located within the Western District of Pennsylvania; therefore, venue is proper. See 28 U.S.C. § 1441(a).
 - 9. No previous application has been made for the relief requested herein.
- 10. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1331, in that it purports to state claims arising under the Constitution, laws, or treaties of the United States.
- 11. Specifically, the Complaint purports to state claims under Fair Labor Standards Act, 29 U.S.C. § 201, et. seq. (Complaint ¶¶ 118-127).
- 12. Pursuant to 28 U.S.C. § 1446(d), written notice of this Notice of Removal of this action is being immediately filed with the Court of Common Pleas of Cambria County. *See* Exhibit B.

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13. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being

served on counsel for Plaintiff.

WHEREFORE, Defendant Highmark gives notice that this action is removed from

the Court of Common Pleas of Cambria County to the United States District Court for the

Western District of Pennsylvania.

Respectfully submitted,

REED SMITH LLP

s/Richard L. Etter

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Counsel for Defendant Highmark Inc.

Dated: April 18, 2013

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Notice of Removal was served this date on counsel for Plaintiff by United States mail, first class and postage prepaid, addressed as follows:

Ronald P. Carnevali, Jr., Esq.
Michael J. Parrish, Jr., Esq.
Bradley E. Holuta, Esq.
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s/ Richard L. Etter
Counsel for Defendant

Dated: April 18, 2013